

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAURICE L. WILLIAMS,

Plaintiff,

vs.

Case No.: 2:13-cv-0995

JUDGE SMITH

Magistrate Judge Abel

MARSHA G. SHEIN,

Defendant.

ORDER

On November 25, 2013, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Complaint be dismissed for lack of subject matter jurisdiction and for failure to state a claim on which relief may be granted. (*See Report and Recommendation*, Doc. 4). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (*See* Doc. 6). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff asserts that the Magistrate Judge misconstrued his arguments; however, Plaintiff has not presented any additional basis to support his claims that would allow this case to proceed.¹ The Magistrate Judge thoroughly discussed

¹ Plaintiff objects to the reference to Quigley in the *Report and Recommendation*. The Court agrees that this was a typographical error, but it does not change the substantive findings of the Magistrate Judge.

the standard in the *Report and Recommendation*, “a complaint must contain sufficient factual matter. . . to ‘state a claim to relief that is plausible on its face.’” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). Plaintiff has failed to sufficiently state a claim for relief. For the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff’s objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 4, is **ADOPTED** and **AFFIRMED**. Plaintiff’s Complaint is hereby dismissed in its entirety.

Plaintiff also moved for default judgment against Defendant Shein. However, Defendant Shein was instructed that she was not required to answer Plaintiff’s Complaint unless ordered to do so by the Court. Therefore, default judgment is improper and Plaintiff’s motion is **DENIED**.

The Clerk shall remove Documents 4 and 8 from the Court’s pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT